

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

DONALD HESS and ELIZABETH	§	No. 1:22-mc-00480-RP
PADILLA, individually and on behalf of all	§	
others similarly situated,	§	
	§	
Plaintiffs,	§	
v.	§	Underlying Litigation:
	§	Case No. 1:21-cv-04099-AT-RWL
BED BATH & BEYOND, INC.	§	United States District Court
	§	Southern District of New York
Defendant.	§	

**INDEED, INC.’S UNOPPOSED MOTION TO EXTEND TIME TO RESPOND
TO PLAINTIFFS’ MOTION TO COMPEL**

Indeed, Inc. (“Indeed”) respectfully submits this Unopposed Motion to Extend Time to Respond to Plaintiffs’ Motion to Compel (Dkt. No. 1).

I. RELEVANT BACKGROUND

This miscellaneous action arises out of a subpoena for documents that Plaintiffs served on Indeed (the “Subpoena”). *See* Dkt. No. 1-2. Plaintiffs served the Subpoena in connection with a lawsuit pending in the United States District Court for the Southern District of New York, *Hess v. Bed Bath & Beyond, Inc.*, No. 1:21-cv-04099-AT-RWL (the “Underlying Litigation”). Indeed is not a party to the Underlying Litigation or otherwise involved with that litigation.

Among other things, the Subpoena asks Indeed to produce “[a]ll job postings” for multiple job titles over a four-year period across the entire state of New York for Defendant Bed

Bath & Beyond, Inc. (“BBB”), a large North American corporation with over 1,000 retail locations,¹ employing approximately 32,000 associates.² Dkt. No. 1-2 at p. 5.

Indeed objected to the Subpoena on several grounds, including: The Subpoena’s requests were unduly burdensome. Dkt. No. 1-3 at p. 2. Indeed also informed Plaintiffs’ counsel that the information sought by the Subpoena could be obtained through less burdensome means directly from BBB, a party to the Underlying Litigation, instead of from Indeed, a non-party not involved in the Underlying Litigation. *Id.*

In March 2022, Indeed’s counsel spoke with Plaintiffs’ counsel by phone about Indeed’s objections to the Subpoena. During this conversation, Plaintiffs’ counsel stated that he would request the information sought by the Subpoena from BBB and would follow up with Indeed if he was unsuccessful and prior to filing any motion to compel. Indeed did not hear anything further from Plaintiffs’ counsel until Plaintiffs filed their Motion to Compel.

On May 16, 2022, Plaintiffs filed their Motion to Compel in this Court, seeking to compel Indeed to produce documents in response to the Subpoena. *See* Dkt. No. 1. Plaintiffs served Indeed with their Motion to Compel on May 24, 2022. Pursuant to Local Rule CV-7(d)(2), the current deadline for Indeed to respond to Plaintiffs’ Motion to Compel is May 31, 2022.

II. ARGUMENT

Indeed respectfully requests a one-week extension of time, from May 31, 2022 to June 7, 2022, to respond to Plaintiffs’ Motion to Compel. Good cause exists for the requested extension.

¹ <https://careers.bedbath.com/us/en/bed-bath-beyond-stores> (accessed on May 24, 2022) (stating that BBB has “over 1,000 retail locations”).

² BBB Form 10-K filing with the U.S. Securities and Exchange Commission for the fiscal year ended February 26, 2022, at p. 9, available at: <https://bedbathandbeyond.gcs-web.com/static-files/5eb37112-dd42-44ce-be33-8f8967248deb>.

Indeed needs additional time to further research the availability and accessibility of the information that Plaintiffs are seeking and to respond to the arguments raised in Plaintiffs' Motion to Compel. The requested extension is also not made for the purpose of improper delay and will not prejudice Plaintiffs.

On May 18 and 19, 2022, Indeed's counsel conferred by email with Steven Moser, counsel for Plaintiffs, about Indeed's requested extension. Mr. Moser advised that Plaintiffs do not oppose Indeed's request for a one-week extension of time to respond to Plaintiffs' Motion to Compel.

III. CONCLUSION

Indeed respectfully requests that the Court enter an Order extending the time for Indeed to respond to Plaintiffs' Motion to Compel (Dkt. No. 1), up to and including June 7, 2022.

Date: May 24, 2022

Respectfully submitted,

/s/ Ariel Henderson

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CERTIFICATE OF CONFERENCE

I certify that Indeed's counsel, Andie Barbour, conferred by email with Plaintiffs' counsel, Steven Moser, about Indeed's requested extension. Mr. Moser advised that Plaintiffs do not oppose Indeed's request.

/s/ Ariel Henderson

Ariel Henderson

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record. To the extent any such counsel is not registered for such electronic delivery, the foregoing document will be served on the following attorneys in accordance with the Federal Rules of Civil Procedure.

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